



The request is granted. The oral argument currently scheduled for January 12, 2022 is adjourned to February 15, 2022 at 2:30 p.m.

SO ORDERED.

/s/ Alvin K. Hellerstein

January 4, 2022

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January 3, 2022

By ECF

Honorable Alvin K. Hellerstein
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Everest Foods Inc, et al. v. Cuomo and de Blasio, 21 CV 06316

Dear Judge Hellerstein:

I am an attorney in the office of Georgia M. Pestana, Corporation Counsel of the City of New York, counsel for defendant Bill de Blasio, in his individual capacity. By Order dated December 29, 2021 (ECF Docket No. 54), this Court scheduled oral argument on the State and City's motions to dismiss the Complaint for January 12, 2022. However, the City's motion will not be fully briefed until January 18, 2022. Indeed, pursuant to the Order dated December 9, 2021 (ECF Docket No. 53), plaintiffs' opposition is due January 7, 2022, and the City's reply papers are due January 18, 2022. Accordingly, the undersigned respectfully requests an adjournment of oral argument to a date convenient for the Court and all parties (as detailed below) after the City's motion is fully briefed. This is the City's first request for an adjournment of oral argument.

I have relayed the City's request to counsel for plaintiffs and co-defendant former-Governor Cuomo, and both parties consent. The State respectfully requests that the Court schedule argument for any date after January 24, 2022, as counsel for the State will be out of the office the week of January 17th on a previously scheduled vacation. Counsel for plaintiffs have indicated they are on trial on January 26, 2022 and then again for the entire week of January 31st. Accordingly, all parties are free for argument on January 27 and 28, or after February 7, 2022.

Respectfully submitted,

/s/

Rachel K. Moston

cc: All Counsel of Record (via ECF)